

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHELSEA HOTEL OWNER LLC et al,

Plaintiffs,

- against -

CITY OF NEW YORK et al,

Defendants.  
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**USDC SDNY**  
**DOCUMENT**  
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21-CV-3982 (ALC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves Defendant City of New York's application at Dkt. 89 for a pre-motion conference to discuss its anticipated motion for a protective order to limit the time period for the Rule 30(b)(6) deposition of Martha Weithman, scheduled for December 13, 2023, from 2011 up to 2021. Plaintiff Chelsea Hotel has filed an opposition at Dkt. 90. The Court has sufficient information before it on which to rule on the request for a protective order. Taking into account the relevant considerations for proportionality and Defendant's obligation under Rule 30(b)(6) to adequately prepare its witness, the Court finds that the appropriate time period for the four topics identified by Defendant goes back to 1997, when the Hotel was granted a luxury exemption. Although the focal point of the case concerns Defendant's 2018 revocation of the permit granted in 2012 and applied for in 2011, the 1997 luxury exemption grant is a key event. How the exemption was maintained in Defendant's records, and what Defendant may have known about it internally during that time frame, may be material. The Court therefore cannot conclude that any questioning about the time period between 1997 and 2011 should be off limits. Of course, while Defendant has an obligation to take reasonable steps to adequately

prepare its 30(b)(6) witness, it may well be that those efforts unearth no relevant information given the passage of time. Finally, the Court finds that questioning for the period prior to 1997 back to 1983 is of such limited relevance as not to be a justified time period for the 30(b)(6) deposition questioning. Accordingly, the request for a conference is denied, and the request for a protective order is granted in part and denied in part consistent with the foregoing.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: November 28, 2023  
New York, New York

Copies transmitted this date to all counsel of record.